

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, March 22, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senator Bowers.

Prayer by the Chaplain.

On motion of Senator Pickett, Senator Bowers was granted leave of absence for four days.

Senator Ruby asked for a leave of absence for five days.

On motion of Senator Pridgen, leave of absence was granted to commence on March 23.

On motion of Senator Pyle, the reading of yesterday's journal was dispensed with.

Under direction of the President the Secretary informed the House that the Senate did not concur in the following House amendment to Senate bill No. 7:

Amend section by adding the following proviso: "*provided*, that no bonds shall be issued or donation made under the provisions of this act except for such portions of the work in aid of which it is proposed to issue bonds or make a donation, as shall have been completed at the time when the bonds are issued or donation made," omitted in the message of yesterday.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Federal Relation:

COMMITTEE ROOM,
AUSTIN, March 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Federal Relations, to whom was referred House bill No. 313, to be entitled "An act giving the consent of the Legislature of the State of Texas to the purchase, by the United States, of land within this State for public purposes," having carefully examined the same, ask leave to report it back with the recommendation that it do pass.

Very respectfully,

THOS. H. BAKER,
Chairman.

Report read and laid over under the rules.

Report of Committee on Enrolled Bills:

COMMITTEE ROOM,
AUSTIN, March 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 135, entitled "An act for the employment of a clerk in the pension bureau of the Comptroller's Office;" and Senate bill No. 172, entitled "An act to incorporate the Texas Dry Dock Company;" and Senate bill No. 108, entitled "An act to incorporate the Navasota, Washington and Brazos Bridge Company;" and Senate bill No. 132, entitled "An act authorizing C. C. Dewitt and T. H. Harwood, of Gonzales county, to construct a bridge across the Guadalupe river at or near Gonzales, in Gonzales county;" and Senate bill No. 20, entitled "An act to incorporate the Bank of Texas;" and Senate bill No. 104, entitled "An act for the relief of George W. G. Browne, late Clerk of Supreme Court of the State of Texas;" and Senate joint resolution No. 27, "Requesting our Representatives and Senators in the Congress of the United States to procure the passage of an act creating and establishing a port of entry at the city of Rockport, on Aransas Bay in the county of Refugio, in this State;" and Senate bill No. 87, entitled "An act to organize and incorporate the East Line and Red River Railroad Company," and to-day, at one o'clock and thirty minutes, P. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report read and received.

Report of Committee on Public Lands:

COMMITTEE ROOM,
AUSTIN, March 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Public Lands, to whom was referred Senate bill No. 257, entitled "An act to extend the time for the location and survey of certain land certificates," have duly considered the same, and I am instructed to report it back to the Senate and recommend that it do pass.

B. J. PRIDGEN,
Chairman.

Report read, and laid over under the rules.

Message from the House by Chief Clerk, transmitting for concurrence the following House bills:

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House bill No. 207, "An act to incorporate the Central Texas Agricultural and Mechanical Association."

House bill No. 216, "An act to incorporate the town of Mount Pleasant, in Titus county."

House bill No. 217, "An act to incorporate the town of Dangerfield, in Titus county."

House bill No. 237, "An act to incorporate the Collin county, Texas, Agricultural, Horticultural and Mechanical Association."

House bill No. 244, "An act to incorporate the town of Quitman, in Wood county."

House bill No. 270, "An act to authorize W. W. Knight to erect a toll bridge over Waxahatchie creek, Ellis county, Texas."

House bill No. 307, "An act for the protection of the growth of pecan timber."

Also, informing the Senate that the House insists on its amendments to Senate bill No. 7, entitled "An act authorizing counties, cities and towns to aid in the construction of railroads and other works of internal improvement," and has appointed as members of a committee of conference on the same, Messrs. Plumley, Robertson, Locke, McLean, and Jenkins, asking that a like committee on the part of the Senate be appointed.

Also, that the House had passed, without amendments, Senate bill No. 101, to be entitled "An act to amend the first section of an act supplemental to an act entitled 'an act defining the office and duties of notaries public, passed May 13, 1846,' approved March 5, 1863."

Senator Flanagan moved that a committee of conference be appointed on the part of the Senate to confer with the House committee on House amendments to Senate bill No. 7, which motion was adopted, and the President appointed on said committee Senators Flanagan, Parsons, Dohoney, Bell and Dillard.

On motion of Senator Flanagan, Senator Pickett was added to the committee.

Senator Ruby submitted the following report of the Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, March 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bills No. 99, "An act to incorporate the Bank of Cleburne;" No. 109, "An act to authorize J. F. Smith and J. Easley to erect a toll bridge over the mouth of Guthrie Creek, and the swamp channel of Graces Creek, in the county of Upshur, and State

of Texas;" No. 138, "An act to incorporate the Bank of Sabine Pass;" No. 151, "An act to incorporate the City of Groesbeck, in Limestone county;" No. 152, "An act to incorporate the Falls County Turnpike Road and Bridge Company;" No. 187, "An act to incorporate the Navarro Jockey Club;" No. 191, "An act for the relief of the heirs of William McGuffin, assignee of James H. Dennis;" No. 246, "An act granting a charter to James A. Mitcham to create, keep and run a ferry boat at the Bazett landing or crossing on the Trinity river, in Henderson county and Navarra county;" No. 255, "An act for the relief of Jacob T. Chandler;" 258, "An act to authorize Mathew Armstrong, his associates and successors, to construct over, and keep a toll bridge on White Oak Creek, in Hopkins county;" and Senate joint resolution No. 23, "Asking the Congress of the United States to pass an act giving a pension to the widow and minor children of Captain William W. Montgomery;" find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received, and the Secretary carried to the House for concurrence Senate bills Nos. 99, 109, 138, 151, 152, 187, 191, 255, 258, and Senate joint resolution No. 23.

BILLS AND RESOLUTIONS.

By Senator Hall: A bill (Senate bill No. 271) to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors within the vicinity of Owensville." Read first time and referred to Committee on Education.

By Senator Braughton: A bill (Senate bill No. 272) to be entitled "An act to organize and incorporate the Sherman and Red River Railroad Company," Read first time and referred to Committee on Internal Improvements.

GENERAL FILE.

Senate bill No. 59, to be entitled "An act prescribing the times of holding the courts in the several Judicial Districts in the State," approved August 10, 1870. Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Pyle, the rules were further suspended, and Senate bill No. 59 read third time and passed.

Senator Ruby submitted the following report of the Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, March 22, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bills No. 149, "An act to incorporate the Sabine and Neches Bridge Company;" No. 155, an act entitled "An act to amend the first section of 'an act to prohibit the sale of intoxicating liquors within two miles of Shiloh Male and Female Academy,' approved August 3, 1870;" No. 163, "An act to incorporate the Central Bank;" No. 199, "An act to organize the county of Presidio;" No. 209, "An act to authorize the county courts of Milam and Brazos counties to levy and collect a special tax for the purpose of erecting a new court house in Milam county, and a jail in Brazos county," and No. 219, "An act to incorporate the Texas Savings Bank," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL,
E. L. DOHONEY.

Report read and received, and the Secretary carried to the House, for concurrence, Senate bills Nos. 155, 163, 199, 209 and 219.

Senator Dohoney moved a suspension of the rules, to take from file substitute Senate bill No. 39, "An act supplementary to 'an act to regulate the disposal of the public lands of the State of Texas,' approved August 12, A. D. 1870," with the following House amendments: Amend, by adding to section one, "*provided*, that all persons who have been forced to abandon their homesteads as pre-emptors, and shall, within one year after the passage of this act, return to their lands and complete the occupancy of the same for the time specified by law, shall be entitled to all the benefits and privileges conferred by this act."

Motion to suspend the rules carried.

On motion of Senator Dohoney, the House amendments were concurred in.

By leave, Senator Ford submitted the following reports of the Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, March 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 205, to be entitled "An act to incorporate the Paris Gas Company," have had the same under consideration and respectfully report it back with the recommendation that it do pass.

S. W. FORD, Chairman.

COMMITTEE ROOM,
AUSTIN, March 15, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom Senate bill No. 190, "An act to incorporate the town of Longview, in Upshur county, Texas," was referred, have carefully considered the same, and instruct me to report the same back with the accompanying amendment, and recommend its passage: Amend section five, add to line sixteen the following words, to-wit: "a fine of."

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 21, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom Senate bill No. 212 was referred, entitled "An act to incorporate J. M. Johnson Lodge No. 97, at Starrville, Texas," have carefully considered the same, and instruct me to report the same back, without amendment, and recommend its passage.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 21, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 226, entitled "An act to incorporate the Hebrew Benevolent Association of Marshall, Texas," have carefully considered the same, and instruct me to report the same back and recommend its passage without amendments.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 21, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 196, entitled "An act to incorporate the city of Hearne," have carefully considered the same, and instruct me to

report the same back without amendments, and recommend its passage.

S. W. FORD,
Chairman.

Reports read and laid over under the rules.

By leave, Senator Rawson submitted the following report of Committee on Claims and Accounts:

COMMITTEE ROOM,
AUSTIN, March 22, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 122, "For the relief of John McDonald," have had the same under consideration, and I am instructed to report the same back and recommend that it do pass.

Respectfully,
HENRY RAWSON,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 22, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 464, "For the relief of William Scanlan," have had the same under consideration, and I am instructed to report the same back and recommend that it do pass.

Respectfully,
HENRY RAWSON,
Chairman.

Reports read, and laid over under the rules.

10:30 o'CLOCK, A. M.

The hour having arrived for the consideration of the special order, substitute Senate bill No. 168, to be entitled "An act to incorporate the Galveston and Denver City Air Line Railway Company, and to promote the construction thereof."

The question being on the motion to reconsider the vote striking out section ten, the yeas and nays were called for, and the motion to reconsider carried by the following vote:

Yeas—Mr. President, Baker, Bell, Flanagan, Ford, Gaines, Latimer, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon—14.

Nays—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Hall, Hertzberg, Hillebrandt, Mills, Pickett, Pyle, Tendick—13.

Senator Fountain, when his name was called, asked to be excused

from voting as he had paired with Senator Bowers, Senator Fountain was in favor of the motion to reconsider, Senator Bowers opposed.

There being no objection, Senator Fountain was excused from voting.

Senator Pickett moved to strike out section ten.

Pending discussion, message from the House by Chief Clerk, transmitting for signature the following enrolled House bill: House bill No. 403, "An act to authorize and require the Governor to lease the State Penitentiary, together with the labor of the convicts therein."

Enrolled bill signed by the President, and returned to the House.

Senator Parsons moved to lay the motion to strike out section ten on the table.

Yeas and nays called for and lost by the following vote:

Yeas—Mr. President, Baker, Bell, Flanagan, Gaines, Latimer, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—12.

Nays—Braughton, Cole, Dillard, Doloney, Douglass, Evans, Ford, Hall, Hertzberg, Hillebrandt, Mills, Pickett, Pyle, Shannon, Tendick—15.

The question recurring on the motion to strike out section ten, the yeas and nays were called for and lost by the following vote:

Yeas—Braughton, Cole, Dillard, Doloney, Douglass, Evans, Hall, Hertzberg, Hillebrandt, Mills, Pickett, Pyle, Tendick—13.

Nays—Mr. President, Baker, Bell, Flanagan, Ford, Gaines, Latimer, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon—14.

Senator Fountain asked to be excused from voting, as he had paired on this question with Senator Bowers. Senator Fountain would vote to retain the section, Senator Bowers to strike it out.

There being no objection, Senator Fountain was excused from voting.

Senator Flanagan offered the following amendment, which was adopted: Amend by striking out, in section ten, line sixty-six, all after the word "lands," down to the word "provided," in line seventy-three.

Senator Flanagan moved to strike out section eleven, which motion was adopted.

Senator Braughton offered the following amendment: Amend section ten, in lines fifty-eight and fifty-nine, strike out the word "exclusively."

Senator Ruby made the point of order that an amendment to section ten was not in order, the bill having been considered by sec-

tions, and section ten having been passed and no amendment offered.

The Chair decided the point of order well taken.

On motion of Senator Ruby, Senator Braughton was granted leave to introduce an amendment to section ten.

The question being on the adoption of the amendment offered by Senator Braughton, yeas and nays called for and the amendment adopted by the following vote :

Yeas—Bell, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Pettit, Pickett, Pyle, Shannon, Tendick—17.

Nays—Mr. President, Baker, Flanagan, Ford, Latimer, Parsons, Pridgen, Rawson, Ruby, Saylor—10.

Senator Dohoney offered the following amendments which were adopted :

Amend section ten, line eighty-seven, after the word "manner," and before the word "to," by inserting the following words, to-wit: "from the city of Houston;" amend line eighty-nine by striking out the word "twelve" and inserting in lieu thereof the word "six."

Senator Ford offered the following amendment :

Amend section ten, line seventy-six, by inserting after the word "use" the following words, to-wit: "under the provisions of an act granting pre-emptions to actual settlers on the public domain."

Senator Pickett offered the following substitute for the amendment :

Amend section ten, line seventy-six, by adding after the word "use" the following words: "according to law."

Substitute adopted.

Senator Tendick offered the following amendment which was adopted :

Amend after the word "use," line seventy-six, and insert the following words: "whether the said company consents or not to such settlement and occupation."

Senator Pickett offered the following amendment which was adopted :

Amend by striking out in line sixty, section ten, all after the word "lands," down to and including the word "emigrants" in line sixty-four.

Senator Shannon offered the following amendment which was adopted :

Amend section two, line twenty-eight, after the word "thereof," add the words "or forfeit all the rights and franchises herein granted, except as to the completed road and all the rights and franchises granted by the tenth section of this act."

Senator Douglass offered the following amendment, which was

adopted: Amend by striking out in section ten, line seventeen, the word "shall," and insert in lieu thereof the word "may."

Senator Pyle moved that the Senate stand adjourned to 3 o'clock P. M., upon which motion the yeas and nays were called for and lost by the following vote:

Yeas—Cole, Dillard, Dohoney, Douglass, Evans, Hall, Mills, Pettit, Pickett, Pyle, Tendick—11.

Nays—Mr. President, Baker, Bell, Braughton, Flanagan, Ford, Fountain, Gaines, Hertzberg, Hillebrandt, Latimer, Parsons, Pridgen, Rawson, Ruby, Saylor, Shannon—17.

Senator Dohoney offered the following amendment, which was adopted:

Amend by substituting for section eleven, which has been struck out, the following words, to-wit: Sec. 11. That said company shall construct and complete said road in a substantial manner from the city of Houston to the point where the same shall cross the northern boundary line of the State of Texas within ten years from the passage of this act, and in default thereof shall forfeit all rights, privileges and franchises granted by this act, except that part of the road which shall have been already built.

Senator Douglass offered the following amendment, and moved its adoption:

Amend by striking out in section ten, line seven, all after the word "of" down to and including the word "granted" in line eight, and insert the words "road completed and—"

Yeas and nays called for, and the amendment lost by the following vote:

Yeas—Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Hall, Hertzberg, Hillebrandt, Mills, Pickett, Pyle, Tendick—13.

Nays—Mr. President, Baker, Bell, Flanagan, Ford, Gaines, Latimer, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon—14.

Senator Flanagan moved the previous question.

Previous question seconded.

The question being, "Shall the main question be now put?" the main question was ordered.

The question being, shall Senate bill No. 168 be engrossed and pass to a third reading, yeas and nays called for and carried by the following vote:

Yeas—Mr. President, Baker, Bell, Flanagan, Ford, Gaines, Latimer, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon—14.

Nays—Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Hall, Hertzberg, Hillebrandt, Mills, Pickett, Pyle, Tendick—13.

Senator Fountain asked to be excused from voting, having paired off with Senator Bowers. Senator Fountain would vote in the affirmative and Senator Bowers in the negative.

There being no objections, Senator Fountain was excused from voting.

On motion of Senator Ruby, the Senate adjourned to 10 o'clock to-morrow.
